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10/688,039	10/17/2003	James R. Crossgrove	END920030050US1	9190
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EXAMINER ZIMMERMAN, MATTHEW E				
ART UNIT 3625		PAPER NUMBER		
NOTIFICATION DATE 02/10/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

### Office Action Summary

**Application No.**

10/688,039

**Applicant(s)**

CROSSGROVE ET AL.

**Examiner**

MATTHEW ZIMMERMAN

**Art Unit**

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-10, 12-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 12-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/2008 has been entered.

### ***Status of Claims***

2. Claims 1-5, 7-10, 12-20, 22-23 have been examined.
3. Claims 6, 11, 21 have been cancelled.
4. Claims 1, 9, 16 have been amended.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In this instance, the recited medium does not provide a physical structure (e.g., a computer readable medium) to permit functionality in the recited claim to be realized with a computer. A program product which does not explicitly include such a medium includes, a program per se, a signal, or any other type

of transmission media that fails to include the hardware necessary to realize the functionality.

7. Claims 17-20 and 22-23 are also rejected as they depend off rejected claim 16.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-5, 7-10, 12-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (US. Pub. No. 2002/0055878) in view of Klatt (US. Pat. No. 6,415,277).**

Referring to claim 1, Burton teaches a system for maintaining item requests, comprising:

- a queue system for inserting any failed requests into a failed request queue (see Burton Fig. 81; ¶0456 lines 1-5, 17-20, a queue for problematic orders);
- a view presentation system for presenting an administrator with a view of the failed request queue (see Burton Fig. 81);
- a data presentation system for displaying data corresponding to user-initiated item requests to an administrator (see Burton Figs. 81, 86), wherein the data presentation system accesses a set of tables to obtain the data (see Burton ¶0496 lines 12-16; Fig. 92), and wherein the set of tables includes a party

- table that identifies suppliers suggested by users issuing the user-initiated item requests for fulfilling the user-initiated item requests (see Burton Figs. 81, 86, where the supplier is the restaurant selected by the user);
- a data edit system for allowing the administrator to edit the data corresponding to the user-initiated item requests (see Burton ¶¶0138, lines 5-8);
  - wherein the view of the failed request queue and the data are presented to the administrator separately within a single browser window without opening multiple browser windows (see Burton Figs. 81, 86; see ¶¶0456 lines 1-5, 17-20).

Burton does not explicitly disclose where the requests could also be system-initiated requests. However, Klatt does (see Klatt Abstract lines 1-5; Figs. 13-14). It would have been obvious to combine these methods at the time of invention because enabling the system for maintaining item requests to also handle system-initiated requests leads to the predictable result of handling more types of orders and increased revenue.

Referring to claim 2, the combination discloses the system of claim 1, further disclosing wherein the set of tables further includes a header level text table that identifies business justifications set forth by the users for approving the user-initiated item requests (see Burton Fig. 86). The Examiner notes that a business justification for an order is the order itself, and Burton shows a list of orders in a header level text table.

Referring to claim 3, the combination discloses the system of claim 1, further disclosing a request reception system for receiving the user-initiated item requests from

the users (see Burton ¶0133 line 4) and the system-initiated item requests from at least one external system (see Burton Fig. 2 items 112-113; ¶0124 lines 1-2), wherein the request reception system further populates the set of tables using data from the user-initiated item requests and the system-initiated item requests (see Burton ¶0268).

Referring to claim 4, the combination discloses the system of claim 1, further disclosing a request processing system for assigning approvers (see Burton Fig. 62) and suppliers (see Burton Fig. 36, a user selects a supplier restaurant) to the user-initiated item requests and the system-initiated item requests. Regarding, assigning of approvers, Burton teaches a user approving a transaction (see Burton Fig. 62 "Confirm your order", "SUBMIT") and after the user *approves* the order the system assigns the user to the order via an order number (see Burton Fig. 86).

Referring to claim 5, the combination discloses the system of claim 4, further disclosing wherein the processing system processes the system-initiated requests differently from user-initiated item requests (see Burton Fig. 4 item 168 which is different from Klatt Fig. 13-14) in batch mode. The Examiner notes that batch processing data is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to batch process the data because it would save processing time which would result in saving money.

Referring to claim 7, the combination discloses the system of claim 1, further disclosing wherein the administrator is a global administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494).

Referring to claim 8, the combination discloses the system of claim 1, further disclosing wherein the view presentation system further provides a country administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494) with the view of the failed request queue (see Burton Figs. 81, 86), and wherein the data presentation system further displays the data corresponding to the system-initiated item requests and the user-initiated item requests to the country administrator (see Burton Figs. 81, 86).

Referring to claim 9, the combination teaches a method for maintaining item requests, comprising:

- receiving a user-initiated item request (see Burton ¶0133) and a system-initiated item request (see Klatt Abstract lines 1-5; Figs. 13-14), wherein the user-initiated item request identifies a supplier for fulfilling the user-initiated item request (see Burton ¶0133 line 6);
- processing the user-initiated item request and the system-initiated item request (see Burton Fig. 4 items 168, 170, 184) wherein the system-initiated item request is processed differently from user-initiated item requests (see Burton Fig. 4 item 168 which is different from Klatt Fig. 13-14) in batch with other system-initiated item requests (batch processing data is old and well known in the art);
- inserting the system-initiated item request into a failed request queue if the processing of the system-initiated item request fails (see Burton Fig. 81; ¶0456 lines 1-5, 17-20, a queue for problematic orders);

- presenting an administrator with a view of the failed request queue upon request (see Burton Fig. 81);
- accessing a set of tables to display data corresponding to the system-initiated item request and user-initiated item request to the administrator (see Burton Fig. 81), wherein the set of tables accessed includes a party table that identifies the supplier (see Burton Figs. 81, 86, where the supplier is the restaurant selected by the user);
- wherein the view of the failed request queue and the data are presented to the administrator separately within a single browser window without opening multiple browser windows (see Burton Figs. 81, 86; see ¶0456 lines 1-5, 17-20).

Referring to claim 10, the combination discloses the method of claim 9, further disclosing a method for assigning approvers (see Burton Fig. 62) and suppliers (see Burton Fig. 36, a user selects a supplier restaurant) to the user-initiated item requests and the system-initiated item requests. Regarding, assigning of approvers, Burton teaches a user approving a transaction (Fig. 62 "Confirm your order", "SUBMIT") and after the user *approves* the order the system assigns the user to the order via an order number (Fig. 86).

Referring to claim 12, the combination discloses the method of claim 9, further disclosing wherein the administrator is a global administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494).



Referring to claim 13, the combination discloses the method of claim 12, further disclosing providing the global administrator with the capability to edit displayed data (see Burton ¶0138, lines 5-8).

Referring to claim 14, the combination discloses the method of claim 9, further disclosing wherein the administrator is a country administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494).

Referring to claim 15, the combination discloses the method of claim 9, further disclosing wherein the user-initiated item request further includes a business justification for approving the user-initiated item request (a business justification for an order is the order itself) (see Burton ¶0102, lines 3-4), and wherein the set of tables accessed to display the data further includes a header level text table (see Burton Fig. 35, item 2016).

Referring to claim 16, the combination teaches a program product stored on a recordable medium for maintaining item requests, which when executed comprises, comprising:

- program code for inserting any failed system-initiated item requests (see Klatt Abstract lines 1-5; Figs. 13-14) into a failed request queue (see Burton Fig. 81; ¶0456 lines 1-5, 17-20, a queue for problematic orders);
- program code for presenting an administrator with a view of the failed request queue (see Burton Fig. 81);
- program code for displaying data corresponding to system-initiated item requests and user-initiated item requests to an administrator (see Burton

Figs. 81, 86), wherein the program code for displaying accesses a set of tables to obtain the data (see Burton ¶0496 lines 12-16; Fig. 92), and wherein the set of tables includes a party table that identifies suppliers suggested by users issuing the user-initiated item requests for fulfilling the user-initiated item requests (see Burton Figs. 81, 86, where the supplier is the restaurant selected by the user);

- program code for allowing the administrator to edit the data corresponding to the system-initiated item requests and the user-initiated item requests (see Burton ¶0138, lines 5-8);
- wherein the view of the failed request queue and the data are presented to the administrator separately within a single browser window without opening multiple browser windows (see Burton Figs. 81, 86; see ¶0456 lines 1-5, 17-20).

Referring to claim 17, the combination discloses the program product of claim 16, further disclosing wherein the set of tables further includes a header level text table that identifies business justifications set forth by the users for approving the user-initiated item requests (see Burton Fig. 86). The Examiner notes that a business justification for an order is the order itself, and Burton shows a list of orders in a header level text table.

Referring to claim 18, the combination discloses the program product of claim 16, further disclosing program code for receiving the user-initiated item requests from the users and the system-initiated item requests from at least one external system (see Burton Fig. 2 items 112-113; ¶0124 lines 1-2), wherein the program code for receiving

further populates the set of tables using data from the user-initiated item requests and the system-initiated item requests (see Burton ¶0268).

Referring to claim 19, the combination discloses the code of claim 16, further disclosing a program code for assigning approvers (see Burton Fig. 62) and suppliers (see Burton Fig. 36, a user selects a supplier restaurant) to the user-initiated item requests and the system-initiated item requests. Regarding, assigning of approvers, Burton teaches a user approving a transaction (see Burton Fig. 62 "Confirm your order", "SUBMIT") and after the user approves the order the system assigns the user to the order via an order number (see Burton Fig. 86).

Referring to claim 20, the combination discloses the program product of claim 19, further disclosing wherein the program code for processing processes the system-initiated requests differently from user-initiated item requests (see Burton Fig. 4 item 168 which is different from Klatt Fig. 13-14) in a batch mode (batch mode processing is old and well known in the art).

Referring to claim 22, the combination discloses the program product of claim 16, further disclosing wherein the administrator is a global administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494).

Referring to claim 23, the combination discloses the program product of claim 16, further disclosing wherein the program code for presenting further provides a country administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494) with the view of the failed request queue (see Burton Figs. 81, 86), and wherein the data presentation system further displays the data corresponding to the system-

initiated item requests and the user-initiated item requests to the country administrator (see Burton Figs. 81, 86).

### ***Response to Arguments***

10. Applicant's arguments filed on 11/04/2008 have been fully considered.

11. Applicant respectfully argues: the references cited by the Office do not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 9 and 16, Applicants submit that the cited references fail to teach or suggest that the view of the failed request queue and the data are presented to the administrator separately within a single browser window without opening multiple browser windows. In contrast, the figure of Burton cited by the Office in its arguments to the contrary shows a jumbled list of data. However, the figures and corresponding text in the specification of Burton does not disclose that the separate display of two queues is accomplished in a single browser window without opening multiple browser windows.

The Examiner respectfully disagrees. Burton teaches a request queue called an "attention item" that "may be used to display any relevant information regarding one or more user orders that may or may not be problematic" (see Burton ¶0456 lines 1-5). The queue can be seen in figure 81 and shows an interface for searching orders based on keywords, places, date ranges, and other factors (see Burton ¶0456 lines 9-15). Referring to the browser window depicted in figure 81, the "failed request queue" is shown as attention item 4112 which displays problematic orders, and it is also shown in item 4116 as the total number of orders needing attention. The "data corresponding to

user-initiated item requests" is shown as attention item 4112 which displays non-problematic orders, and it is also shown in item 4116 as the total number of orders that do not need attention. This view is consistent with the text of Burton which states that attention item 4112 may be used to display any relevant information regarding one or more user orders that **may or may not be problematic** in any relevant form" (see Burton ¶¶0456 lines 1-5). This is also shown in figure 81 according to the column heading "Needs Attn?".

The Examiner also disagrees with the argument that Burton does not teach that both sets of data (e.g., problematic and non-problematic orders) are displayed separately within the same browser window. Burton teaches this limitation in three different ways. First, both sets of data are displayed separately in the same window because an order is either problematic or non-problematic. In a scenario containing one problematic order and one non-problematic order; both orders are displayed in the same browser window but separate because they are in different rows because they are different orders. Second, both sets of data are displayed separately in the same window because figure 81 has a box identifying the number of orders which need attention and a separate box identifying the number of orders which do not need attention. Third, both sets of data are displayed separately in the same window because a text search could be performed for problematic orders thus excluding non-problematic from the results, and a text search could be performed for non-problematic orders thus excluding problematic orders from the results. In this third example, while both sets of data (problematic and non-problematic orders) are displayed separately, they are in fact

displayed within the same browser window because nowhere does Burton state that in order to change the search text or keyword, a user must either close and then reopen his browser, or open a second browser simultaneously.

The Examiner also notes that there are many other instances where Burton teaches displaying both sets of data separately in the same browser window. One such example is figure 87 which displays problematic orders and also has an option checkbox to additionally display any cancelled orders. Once an order is cancelled, it is no longer problematic. Therefore, both problematic and non-problematic (which in this case represents cancelled orders) are displayed separately within the same browser window because they appear in the same window on different lines. Therefore, the Examiner is not persuaded by Applicant's argument.

12. Applicant respectfully argues: the cited references also fail to teach or suggest wherein the system-initiated item request is processed differently from user-initiated item requests in batch with other system-initiated item requests. The Office states that batch processing is old and well known in the art. Applicants respectfully object to the Office's use of what amounts to Official Notice and state that such use of batch processing is not obvious to one skilled in the art as asserted by the Office, especially in this type of context.

The Examiner respectfully disagrees. Batch processing data is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to batch process the data because it would save processing time which

would result in saving money. Therefore, the Examiner is not persuaded by Applicant's argument.

13. Applicant respectfully argues: neither of the references cited by the Office discloses processing user initiated item requests differently from system initiated requests.

The Examiner respectfully disagrees. In the present instance, user initiated item requests are different than system initiated item requests. One type of user initiated request taught by Burton is an order for pizza (see Burton ¶0012). One type of system initiated request taught by Klatt is automatic printing of a flyer or brochure after a predefined number of days (see Klatt Fig. 13). The user request is processed differently because a pizza is created for a customer, and creating a pizza is different than creating a flyer. Additionally, the system request is processed differently because the flyer or brochure is reprinted after a predetermined number of days, while the order for a pizza is not automatically reoccurring. Therefore, the Examiner is not persuaded by Applicant's argument.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Batch processing is old and well known in the art and is taught by Joseph (US 6,606,603) on column 7 lines 4-11.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW ZIMMERMAN whose telephone number is (571)270-5278. The examiner can normally be reached on Mon-Thu 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MATTHEW ZIMMERMAN  
Examiner, Art Unit 3625

/Jason Dunham/

2/3/09